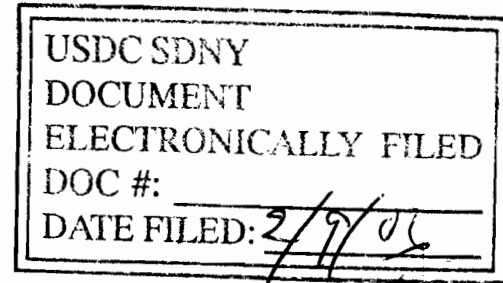


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re GEOPHARMA, Inc. SECURITIES :  
LITIGATION :  
:

THIS DOCUMENT RELATES TO: :  
ALL ACTIONS :  
:  
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**ORDER**

04 Civ. 9463 (SAS)

**SHIRA A. SCHEINDLIN, U.S.D.J.:**

On January 27, 2006, I dismissed this putative class action with prejudice.<sup>1</sup> I now make the findings mandated by the Private Securities Litigation Reform Act, which requires that “upon final adjudication of [a private securities fraud] action, the court shall include in the record specific findings regarding compliance by each party and each attorney representing any party with each requirement of Rule 11(b) of the Federal Rules of Civil Procedure as to any complaint, responsive pleading, or dispositive motion.”<sup>2</sup>

In my January 27 Opinion, I noted that “[b]ased on a preliminary review of the record, I do not believe that Rule 11 was violated in this case.

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<sup>1</sup> See *In re GeoPharma, Inc. Sec. Litig.*, — F. Supp. 2d —, No. 04 Civ. 9463, 2006 WL 213274 (S.D.N.Y. Jan. 27, 2006).

<sup>2</sup> 15 U.S.C. § 78u-4(c)(1).

Plaintiffs' contentions, although ultimately unsuccessful, were objectively reasonable and supported by colorable interpretations of existing precedent."<sup>3</sup> The January 27 Opinion afforded defendants ten days to request sanctions, but defendants have not contacted the Court in that time. Accordingly, for the reasons stated in my prior Opinion, I find that plaintiffs' contentions were far short of the line dividing "merely losing" from "losing and sanctionable" arguments.<sup>4</sup> Thus, all attorneys and parties in this action complied with Rule 11. The Clerk of the Court is directed to close this case.

SO ORDERED:



Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
February 9, 2006

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<sup>3</sup> *In re GeoPharma*, 2006 WL 213274, at \*12.

<sup>4</sup> *Rodick v. City of Schenectady*, 1 F.3d 1341, 1350 (2d Cir. 1993).

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